

PUBLIC CONSULTATION ON DEVELOPING LOCAL MOORING STRATEGIES 2009

RESPONSE QUESTIONNAIRE

Please use this form to submit your response before **11 January 2010**. To do this electronically, please download the form which is available at www.britishwaterways.co.uk/mooringconsultation09 and email it to consultation@britishwaterways.co.uk.

Paper copies should be posted to:

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If you have any questions about the consultation, please contact us:

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Your name and contact details

Please provide email or postal address, depending on how you would prefer to be contacted. Note, we will not be able to acknowledge individual contributions, but will contact you with a copy of the final report when available. Exceptionally, we may contact you if we need to clarify any aspect of your feedback. Unless you specify otherwise, we may quote, but not attribute, your views

In what capacity are you responding to this consultation? (please tick all that apply)

- As a representative of a company, organisation or local authority (please state which and include your position within the organisation) _____
- Residential boater
- Current boat owner (using boat mainly for leisure)
- Continuous cruiser
- Owner or employee of an inland marine business
- Owner or employee of a business serving boaters
- Angler
- Resident living close to a waterway frequented by boats
- Parish or District Councillor
- Other (please indicate) _____ itinerant boat dweller

QUESTIONS

Mooring strategy steering group membership and chairing

1. Is the scope of the consultation clear? Would you include anything else in its scope?

It should also include all visitor and time limited moorings that have been imposed over the last 10 years that were not subject to consultation before being changed from 14-day moorings. It should also include consideration of how this proposed policy would be funded and what the proposed budget is for it, and what it would cost compared to how much it would raise. BW licence payers should be given this information before being asked to comment on these proposals, because a considered judgement cannot be made without the financial information, and it is our money that BW would be spending.

2. What qualifications and skills should members of the steering group have?

I do not support the proposal for local steering groups. Only boaters and BW licence payers should have a say on the issue of moorings. Any such group should consist of boaters only.

3. Is the principle of a locally-led steering group comprising all relevant and interested parties, preparing a mooring strategy agreeable? If not what other method would you use to do this?

No. The legal powers BW already has, ie the 1995 British Waterways Act are adequate to regulate mooring, but for some reason BW does not regularly enforce the 14-day rule – perhaps because there is no money in it?. Enforce the 14-day rule and do proper dredging, bank maintenance and vegetation cutting to increase the space available for mooring. This would result in much more additional mooring space than these proposals would.

4. Do you think the list potential group members is appropriate? If not, what changes would you suggest?

No. I do not agree with the idea of local mooring steering groups. Any local decisions about moorings should be made by boaters as this is the group that pays the most and is affected the most. Agreement with the legal framework BW wishes to promote as a condition of being on a steering group is unworkable. How could this be policed? How can BW prove that a member does not agree? It is also discriminatory, and in practice excludes the boaters which the proposals are targeted at and who would be affected the most. It contravenes Article 14 of the Human Rights Act, which BW as a public body is bound by. The legal framework set out in this document is beyond the legal powers BW has to enforce. To insist on agreement with it means that BW will be asking all members of a steering group to condone an unlawful act.

5. Are you comfortable with our proposal that where possible the group should be chaired by the local canal society/trust or a local representative from either the IWA or other national boating organisation? If not, who would you suggest?

No. I don't agree with the proposed mooring strategy groups. Any decisions on moorings should be made by boaters.

6. Do you think that a national nominations panel would be a sensible approach for ensuring chairing and membership of the groups is appropriate?

No. I don't agree with the proposed mooring strategy groups. It is not a sensible approach and will lead to enormous problems between BW and its customers.

7. How many members should the nominations panel have and which established national bodies should be included?

I don't support the proposed mooring strategy groups. Any decisions on moorings should be made by boaters.

8. What would be an appropriate mechanism for appointing unaffiliated individuals to the group? Should there be a maximum number?

I don't support the proposed mooring strategy groups. Any decisions on moorings should be made by boaters.

There should be no limit on the number of unaffiliated members of any group making decisions on moorings, as this is the only way for boaters to be adequately represented.

9. If you reject the options we have outlined, what alternative would you prefer?

Enforce the 14-day rule. Do proper dredging, bank maintenance, vegetation management and control of reed growth to increase the mooring space available.

Steering group tasks

10. Are you content with the role outlined for BW in the proposals? (see e.g. paras 4.5, 4.10, 4.14)

No. All of these decisions should be made by boaters and BW licence holders as these are the people who are affected.

11. Would you prefer it if the draft strategy was also reviewed by another party before public consultation? If so, who?

I do not support local mooring strategies. Any changes to moorings should be reviewed by boaters and by groups representing travellers such as Friends, Families and Travellers, the National Barge Traveller Association, and the Traveller Liaison Officers of local authorities.

12. Do you agree with the method of arbitration in para 4.15? If not how would you resolve disagreements between BW and the steering group?

I do not support any of the proposals listed. Decisions on moorings are nobody's business except boaters.

Timescale

13. Are any of the stages too short/too long? Which ones?

BW has not followed its own procedures for direct consultation with stakeholders. BW states that these procedures follow the Government's Code of Practice on Consultation issued by the Better Regulation Executive in the Department for Business, Enterprise and Regulatory Reform. Section 2.1 of this Code of Practice states that "Under normal circumstances, consultations should last for a minimum of 12 weeks". This paper was released on November 17 2009 with a deadline for responses of 11 January 2010. This is a consultation period of only 8 weeks, which is below the minimum period in the Code of Practice. This consultation is therefore invalid.

In addition, the results of the consultation have been pre-judged because the local mooring strategy for one part of the Kennet and Avon canal was drawn up by BW, Bath and NE Somerset Council and Bathampton and Claverton Parish Councils, without consultation with boaters, in meetings which took place on 15 June 2009, 10 and 28 August 2009, and 10 September 2009.

Since BW states that it intends to use the western Kennet and Avon canal as a pilot for the rest of the local moorings strategies, this proves that the results of the consultation have been pre-judged. Additional proof that the results have been pre-judged is that the proposals already have a timetable in which there is not enough time for a proper analysis of the consultation response, indicating that the proposals will be implemented no matter what the response to the consultation is, and that the steering group will be pushed strongly in the direction of the proposals put forward in this document.

14. Are any stages missing? If so, which ones?

The people most affected by this were not involved in drawing up these proposals, in fact they were deliberately excluded from the meetings between BW and Bathampton parish council which these proposals are based on.

Any other comments?